

specification, a range of X-700 degrees C is supported by the specification, where X is between 200 and 700. Support for the range of 480-700 degrees C is found in the specification at page 7, line 6 of the specification. The temperature of 480 degrees C is inherently subsumed in the range of 200-700 degrees C recited in the specification.

Applicant respectfully requests that the stated rejection be withdrawn.

**Reservation of Right to Swear Behind References**

Applicant reserves the right to swear behind any references which are cited in the stated rejections under 35 U.S.C. 103. Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art. Furthermore, amendments made to distinguish pending claims from such references are made without prejudice or disclaimer. Accordingly, Applicant reserves the right to reintroduce the same or substantially similar subject matter should Applicant choose to swear behind such references in the future.

**§103 Rejection of the Claims**

Claims 1, 2, 4-10, 31, 33, 34, 36, and 39-50 were rejected under 35 USC § 103(a) as being unpatentable over Hisamune (JP Patent 2-050966).

Claims 1, 31, 42-43, 45-48, and 50-53 have been amended to state that in the processes thereof, the reaction volume of gas is subjected to a pressure of approximately 200 to 760 Torr during deposition. At page 6, the Office Action states, “Hisamune is silent about pressures”, a statement with which Applicant agrees. Applicant respectfully submits that the basis for the stated rejection is removed.

Further, in the interest of brevity, Applicant reincorporates previous arguments made by Applicant regarding Hisamune.

Applicant considers additional elements and limitations of Applicant's claimed invention to further distinguish over the cited reference, and Applicant reserves the right to present further arguments to this effect at a later date.

Withdrawal of the stated rejection, in addition to allowance of claims 1, 31, 42-43, 45-48 and 50-53, is respectfully requested.

Further, in view of the foregoing amendments, Applicant believes the bases for all rejections based on Hisamune are removed.

Claims 32, 51, and 52 were rejected under 35 USC § 103(a) as being unpatentable over Hisamune (JP Patent 2-050966) as applied to claim 31 above, and further in view of McDowell et al. (U.S. Patent No. 4,287,083).

Applicant respectfully submits that the combination of Hisamune and McDowell is not proper. McDowell is nonanalogous art, being directed to compositions prepared by free radical polymerization and cured by actinic radiation, the compositions for coating wood, metal, fabric and plastic. One skilled in the art of CVD would not look to McDowell for its teachings.

Even if combination is proper, which Applicant does not admit, the combination fails to teach or suggest each and every element of Applicant's claims. Applicant cannot find in the combination of Hisamune and McDowell, the processes stated in claims 32, 51 and 52. Among other limitations, Applicant cannot find in the combination a teaching or suggestion of a the stated process, wherein a reaction volume is subjected to a pressure of approximately 200 to 760 Torr during deposition.

Claims 35, 37, and 38 were rejected under 35 USC § 103(a) as being unpatentable over Hisamune (JP Patent 2-050966) as applied to claim 31 above, and further in view of Wang et al. (U.S. Patent No. 5,000,113).

As noted above, claim 37 has been canceled without prejudice or disclaimer thereto. Claim 31 has been amended to state the process therein includes subjecting the reaction volume to a pressure of approximately 200 to 760 Torr during deposition. Applicant cannot find in Hisamune or Wang, the processes stated in claims 35 and 38. Among other limitations, Applicant cannot find in the combination a teaching or suggestion of a the stated process, wherein a reaction volume is subjected to a pressure of approximately 200 to 760 Torr during deposition.

Claims 1, 2, 4-10, 41, and 43-50 were rejected under 35 USC § 103(a) as being unpatentable over Hisamune (JP Patent 2-050966) in view of Imai et al. (U.S. Patent No. 5,633,211).

As noted above, independent claims 1, 31, 43, 45-48, and 50, have been amended to state the process therein includes subjecting the reaction volume to a pressure of approximately 200 to 760 Torr during deposition. Claims 2, 4-10, 41 and 44 therefore also include this limitation. Applicant cannot find in Hisamune or Imai, the processes stated in claims 1, 2, 4-10, 41 and 43-50. Among other limitations, Applicant cannot find in the combination a teaching or suggestion of a the stated process, wherein a reaction volume is subjected to a pressure of approximately 200 to 760 Torr during deposition.

Claims 53 and 54 were rejected under 35 USC § 103(a) as being unpatentable over Hisamune (JP Patent 2-050966) in view of Imai et al. (U.S. Patent No. 5,633,211) as applied to claim 52 above, and further in view of McDowell et al. (U.S. Patent No. 4,287,083).

In the interest of brevity, Applicant refers to the arguments made above regarding the Hisamune, Imai and McDowell references.

Regarding the deposition temperature set forth in claims 1-6, 31-36, and 38-54, Applicant reiterates the following. The Office Action maintains that Hisamune teaches a deposition temperature of about 400 degrees C, to which Applicant objects. Hisamune recites various temperatures, but Applicant cannot find a recitation of about 400 degrees C as asserted by the rejection. At page 2, line 28, the translation of Hisamune states “a temperature of 200-400 degrees C”. The section in which this temperature range appears is titled “Problems to Be Solved by the Invention”. This is the only temperature range discussed by Hisamune. Hisamune clearly conveys that the temperature thereof is less than 400 degrees C, for example, at page 3, line 31 (“at a low temperature of less than 400 degrees C”); page 3, line 33 (“at a low temperature of less than 400 degrees C”); and page 3, line 34 (“a temperature of 300 degrees C”). Applicant respectfully submits that Hisamune appears to recite a maximum temperature of 400 degrees C. Accordingly, Applicant reiterates that Hisamune does not teach or suggest a temperature of about 480 - 700 degrees C, and appears to teach away from such a range.

Applicant considers additional elements and limitations of Applicant's claimed invention to further distinguish over all of the cited references, and Applicant reserves the right to present further arguments to this effect at a later date.

Since all of the limitations of the claims are not found in the prior art references, Applicant respectfully requests reconsideration and allowance of claims 1-6, 31-36 and 38-54 be allowed.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2148 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

GURTEJ SINGH SANDHU ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 371-2148

Date November 30, 2000 By 

Leoniede M. Brennan  
Reg. No. 35,832

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 30th day of November, 2000.

Name Amy Moriarty

Signature

Amy Moriarty